

AMENDED IN ASSEMBLY AUGUST 26, 2013

AMENDED IN ASSEMBLY JUNE 26, 2013

AMENDED IN ASSEMBLY JUNE 10, 2013

AMENDED IN SENATE APRIL 8, 2013

**SENATE BILL**

**No. 109**

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**Introduced by Senator Corbett**

January 14, 2013

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An act to add Section 5385.7 to the Public Utilities Code, and to add Article 3.4 (commencing with Section 27375) to Chapter 5 of Division 12 of the Vehicle Code, relating to charter-party carriers.

LEGISLATIVE COUNSEL'S DIGEST

SB 109, as amended, Corbett. Charter-party carriers: limousines: emergency exits.

(1) The Passenger Charter-party Carriers' Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission, and imposes various other requirements. Existing law imposes certain penalties for violation of the act. The act also defines a "limousine" for these purposes and imposes specified requirements applicable only to the operator or driver of a limousine. Existing law imposes various additional requirements on the operator of a limousine for hire. A violation of these requirements is a crime.

This bill would prohibit any person from operating a limousine, *in any city, county, or city and county* that has been modified or extended for purposes of increasing vehicle length and passenger capacity in any

~~city, county, or city and county, in an amount sufficient to accommodate additional passengers unless the limousine is equipped with at least 2 rear push-out windows, at least one of which is located on each side of the vehicle, and at least 2 rear side doors, at least one of which is located on each side of the vehicle, that are accessible to all passengers and that may be opened manually~~ side doors and one or 2 rear windows that the rear seat passengers or all passengers of the vehicle may open from the inside of the vehicle in case of any fire or other emergency, as specified.

The bill would apply these provisions to all limousines *that were* modified or extended for purposes of increasing vehicle length ~~and passenger capacity in an amount sufficient to accommodate additional passengers~~ on or after ~~January~~ July 1, 2015, and, beginning January 1, 2016, to all limousines modified or extended for purposes of increasing vehicle length ~~and passenger capacity in an amount sufficient to accommodate additional passengers~~ prior to ~~January~~ July 1, 2015, *except as specified*. The bill would require *the driver of the limousine, in the case of any fire or other emergency, as specified, to unlock the child safety locks so that the rear side doors can be opened from the inside of the vehicle and would require* an owner or operator of a limousine to instruct all passengers on the safety features of the vehicle prior to the beginning of any trip and to disclose whether the limousine meets the safety requirements described in this bill.

(2) Because the bill would create new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5385.7 is added to the Public Utilities
- 2 Code, to read:
- 3 5385.7. A charter-party carrier shall not operate a limousine,
- 4 as defined by Section 5371.4, that has been modified or extended
- 5 for purposes of increasing vehicle length ~~and passenger capacity~~

1 *in an amount sufficient to accommodate additional passengers,*  
2 unless the limousine is equipped with emergency exits at the rear  
3 of the vehicle as required pursuant to Article 3.4 (commencing  
4 with Section 27375) of Chapter 5 of Division 12 of the Vehicle  
5 Code. The commission shall adopt rules to implement this section.

6 SEC. 2. Article 3.4 (commencing with Section 27375) is added  
7 to Chapter 5 of Division 12 of the Vehicle Code, to read:

8  
9 Article 3.4. Emergency Exits for Charter-Party Carriers of  
10 Passengers  
11

12 27375. (a) Any person who operates a limousine, as defined  
13 in subdivision (i) of Section 5371.4 of the Public Utilities Code,  
14 in any city, county, or city and county, that has been modified or  
15 extended for purposes of increasing vehicle length and passenger  
16 capacity, *in an amount sufficient to accommodate additional*  
17 *passengers* shall ensure that the vehicle has at least two rear side  
18 doors and ~~two rear windows~~ *one or two rear windows, as specified*  
19 *in paragraph (1), that the rear seat passengers, passengers or all*  
20 *passengers of the vehicle if a partition separates all of the*  
21 *passengers from the driver, may open from the inside of the vehicle*  
22 *in case of any fire or other emergency that may require the*  
23 *immediate exit of the occupants passengers of the vehicle. A*  
24 *limousine subject to this section shall be equipped with both of*  
25 *the following:*

26 (1) ~~At (A)~~ *Except as provided in subparagraph (B), at least*  
27 *two rear push-out windows that are accessible to all passengers.*  
28 *At least one push-out window shall be located on each side of the*  
29 *vehicle. Each vehicle, unless the design of the limousine precludes*  
30 *the installation of a push-out window on one side of the vehicle,*  
31 *in which case the second push-out window shall instead be located*  
32 *in the roof of the vehicle.*

33 (B) *If the design of the limousine precludes the installation of*  
34 *even one push-out window on a side of the vehicle, one push-out*  
35 *window shall instead be located in the roof of the vehicle.*

36 (C) *Each push-out window shall be releasable by operating no*  
37 *more than two mechanisms and allow manual release of the*  
38 *push-out window by a single occupant. For mechanisms that*  
39 *require rotary or straight (parallel to the undisturbed exit surface)*  
40 *motions to operate the release, no more than 20 pounds of force*

1 shall be required to release the push-out window. For push-out  
2 windows that require a straight motion perpendicular to the  
3 undisturbed surface of the push-out window, no more than 60  
4 pounds shall be required to release the push-out window. The  
5 push-out windows shall comply with any applicable federal safety  
6 standards as deemed necessary by the Department of the California  
7 Highway Patrol.

8 (2) At least two rear side doors that are accessible to all  
9 passengers and that may be opened manually by any passenger.  
10 At least one rear side door shall be located on each side of the  
11 vehicle. ~~At For vehicles modified or extended for purposes of~~  
12 ~~increasing vehicle length in an amount sufficient to accommodate~~  
13 ~~additional passengers on or after July 1, 2015, at least one of these~~  
14 side doors shall be located near the driver's compartment and  
15 another near the back of the vehicle. ~~The mechanism for releasing~~  
16 ~~these side doors shall not be subject to being disabled by the driver.~~  
17 These side doors shall comply with any applicable federal safety  
18 standards as deemed necessary by the Department of the California  
19 Highway Patrol.

20 (b) *In the case of any fire or other emergency that requires the*  
21 *immediate exit of the passengers from the limousine, the driver of*  
22 *the limousine shall unlock the child safety locks so that the rear*  
23 *side doors can be opened by the passengers from the inside of the*  
24 *vehicle.*

25 ~~(b)~~  
26 (c) An owner or operator of a limousine shall do ~~both~~ all of the  
27 following:

28 (1) Instruct all passengers on the safety features of the vehicle  
29 prior to the beginning of any trip, *including, but not limited to,*  
30 *instructions for lowering the partition between the driver and*  
31 *passenger compartments and for communicating with the driver*  
32 *by the use of an intercom or other onboard or wireless device.*

33 (2) Disclose to the contracting party and the passengers whether  
34 the limousine meets the safety requirements described in this  
35 section.

36 (3) *If paragraph (3) of subdivision (d) applies, the owner or*  
37 *operator of a limousine shall further disclose to the contracting*  
38 *party and the passengers that the limousine does not meet the*  
39 *safety requirements required in subdivision (a) regarding vehicle*  
40 *escape options because of its exempt status, and therefore may*

1 *pose a greater risk to passengers should emergency escape be*  
2 *necessary.*

3 ~~(e)~~

4 *(d) (1) Subdivision (a) shall apply to all limousines modified*  
5 *or extended for purposes of increasing vehicle length and passenger*  
6 *capacity on or after January 1, 2015 in an amount sufficient to*  
7 *accommodate additional passengers on or after July 1, 2015.*

8 *(2) Subdivision (a) shall, beginning January 1, 2016, apply to*  
9 *all limousines that were modified or extended for purposes of*  
10 *increasing vehicle length and passenger capacity prior to January*  
11 *1, 2015 in an amount sufficient to accommodate additional passengers*  
12 *prior to July 1, 2015.*

13 *(3) Except as provided in paragraph (4), subdivision (a) shall*  
14 *not apply to any limousine manufactured prior to 1970 and that*  
15 *has an active transportation charter-party carrier (TCP) number*  
16 *as of August 15, 2013.*

17 *(4) Subdivision (a) shall apply to any limousine manufactured*  
18 *prior to 1970 if it is modified or extended for the purpose of*  
19 *increasing vehicle length in an amount sufficient to accommodate*  
20 *additional passengers after August 15, 2013.*

21 SEC. 3. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.